S.B.CIVIL WRIT PETITION NO. 734/2006
State of Rajasthan Vs. Samudra Nath & Ors.

DATE OF ORDER :: 05.09.2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. B.L. Tiwari, Dy. Govt. Advocate, for petitioner.
Mr. Rakesh Arora, for the respondent No.1.

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By this petition for writ a challenge is given by the petitioner to the order dated 7.12.2005 passed by learned District Judge, Bhilwara rejecting the application dated 16.11.2004 submitted by the petitioner to recall the order dated 26.10.2004. By the order dated 26.10.2004 learned District Judge closed the evidence of the petitioner/non-applicant.

Looking to all the facts and circumstances of the case it shall be in interest of justice to provide at least one more opportunity to the petitioner to adduce the evidence.

The writ petition is accordingly allowed, the orders dated 7.12.2005 and 26.10.2004 are quashed with a direction to petitioner to appear before the District Judge, Bhilwara on 4.10.2007 and on that day learned District Judge shall fix the matter for recording evidence of the non-applicant/State. In the event the petitioner fails to appear before the District Judge on 4.10.2007 no further opportunity shall be granted for adducing evidence.

(GOVIND MATHUR),J.

jgoyal